

10/537691

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 21 MAR 2005
WIPO PCT

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| Applicant's or agent's file reference B22-2531-PCT | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/US04/17627 | International filing date (day/month/year) 03 June 2004 (03.06.2004) | Priority date (day/month/year) 05 June 2003 (05.06.2003) |
| International Patent Classification (IPC) or national classification and IPC IPC(7): C04B 11/00 and US Cl.: 106/772, 778, 779 | | |
| Applicant BORDEN CHEMICAL, INC. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

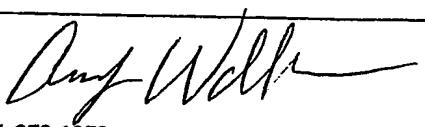
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of ___ sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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|---|--|
| Date of submission of the demand 21 December 2004 (21.12.2004) | Date of completion of this report 08 March 2005 (08.03.2005) |
| Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | Authorized officer Paul Marcantoni  Telephone No. 571-272-1373 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/17627

I. Basis of the report

1. With regard to the elements of the international application:*

the international application as originally filed.

the description:

pages 1-23 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

the claims:

pages 24-28 as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

the drawings:

pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

the sequence listing part of the description:

pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in printed form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages NONE
 the claims, Nos. NONE
 the drawings, sheets/fig NONE

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US04/17627

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-34 | YES |
| | Claims NONE | NO |
| Inventive Step (IS) | Claims 1-34 | YES |
| | Claims NONE | NO |
| Industrial Applicability (IA) | Claims 1-34 | YES |
| | Claims NONE | NO |

2. CITATIONS AND EXPLANATIONS

Claims 1-34 meet the criteria set out in PCT Article 33(2)-(3) because the prior art does not teach or fairly suggest the specific gypsum product with all components as set forth in the invention nor does it teach the method of making the claimed gypsum product by mixing all of the specific components as set forth in the instant invention.

Claims 1-34 meet the criteria set out in PCT Article 33(4) and thus have industrial applicability because the subject matter claimed can be made or used in industry such as the construction trades.

----- NEW CITATIONS -----